

USDC-ME  
04-00061

# United States Court of Appeals

## For the First Circuit

U.S. DISTRICT COURT  
BANGOR, MAINE  
RECEIVED AND FILED

Nos. 06-1951, 06-2017

2007 JUN -1 P 1:56

BARRETT PAVING MATERIALS, INC.,  
Plaintiff-Appellee, Cross-Appellant,

DEPUTY CLERK

v.

CONTINENTAL INSURANCE COMPANY,  
Defendant, Appellant,

FIRST STATE INSURANCE COMPANY,  
Defendant, Cross-Appellee,

MICHIGAN MUTUAL INSURANCE COMPANY,  
Defendant.

CERTIFIED COPY

I HEREBY CERTIFY THIS DOCUMENT  
IS A TRUE AND CORRECT COPY OF  
THE ORIGINAL ON FILE IN MY OFFICE  
AND IN MY LEGAL CUSTODY.

FIRST CIRCUIT COURT OF APPEALS  
BOSTON, MA

By:

Date: 5/31/2007

This cause came on to be heard on appeal from the United States District Court for the District of Maine and was argued by counsel.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The district court's judgment against Continental Insurance Company and its entry of summary judgment in favor of First State Insurance Company are affirmed. Costs are granted in favor of Barrett Paving Materials, Inc., with respect to Continental Insurance Company's appeal and in favor of First State Insurance Company with respect to Barrett Paving Materials, Inc.'s, appeal.

By the Court:  
Richard Cushing Donovan, Clerk

MARGARET CARTER

By: Margaret Carter, Chief Deputy Clerk

[Certified copies to Hon. George Z. Singal and Mr. William Brownell, Clerk, United States District Court for the District of Maine. Copies to Mr. Edwards, Mr. Aylward, Mr. Saucier, Mr. Harding, Mr. Cahill, Mr. Schwab, Mr. Thaler, Ms. Foggan, Mr. Lukac & Mr. Robinson.]